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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,293	07/23/2003	Eric Friedberg	82115A	7886

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,293

Applicant(s)

FRIEDBERG, ERIC

Examiner

DHIRU R. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1 and 20-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Specification

1. The amendment filed 2/9/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Claims 1 and 21 are not adequately supported by the specification.

In claim 1 lines 7-8, " at least one of said panels being shaped to include an opening in communication with the interior cavity" is not supported by the specification.

In claim 21 lines 8-9, " at least one of said panels being shaped to include an opening in communication with the interior cavity" is not supported by the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The examiner notes that MPEP 2163.02 states:

If a claim is amended to include subject matter, limitations, or terminology not present in the application as filed, involving a departure from, addition to, or deletion from the disclosure of the application as filed, the examiner should conclude that the claimed subject matter is not described in that application. This conclusion will result in the rejection of the claims affected under 35 U.S.C. 112, first paragraph - description requirement, or denial of the benefit of the filing date of a previously filed application, as appropriate.

By adding that the invention may " at least one of said panels being shaped to include an opening in communication with the interior cavity in claims 1 and 21 ".

The amended claim involves a departure from the disclosure of the application as filed. Therefore, the subject matter claimed in claims 1 and 21, detailing the entire scope of the invention, is not described in the application.

The examiner also notes that MPEP 2163.05 also states:

The failure to meet the written description requirement of 35 U.S.C. 112, first paragraph, commonly arises when the claims are changed after filing to either broaden or narrow the breadth of the claim limitations, or to alter a numerical range limitation or

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to use claim language which is not synonymous with the terminology used in the original disclosure to comply with the written description requirement of 35 U.S.C. 112, para. 1, or to be entitled to an earlier priority date or filing date under 35 U.S.C. 119, 120, or 365(c), each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.

Please note that inventor is responsible for providing element number for each claimed invention as well as for providing page number, figure number, element number, and column with **lines number in the original specification** for claims 1 and 21 to verify and in compliance with statute 35 USC 112 first paragraph defined in MPEP and Please note that the claim or claims (1 and 21) must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims (1 and 21) must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see MPEP 608.01 (d)(1).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Esteves et al (6,130,384) in view of Cama (4,921,444).

Esteves et al disclose :

Regarding claim 1, The combination of:

(a) a faceplate 30 (see fig 9, column 3 lines 20-30), said faceplate being sized and shaped to at least partially cover an electrical receptacle having one or more outlets (see fig 10, column 5 lines 20-30); and

(b) a storage device 10, 190 coupled to said faceplate (see fig 9, column 3 lines 20-47 and column 5 lines 10-15), said storage device being sized and shaped adapted to retain a portable electric appliance (see fig 9 and element number 190 to retain a

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portable electric appliance) , said storage device comprising a pocket shaped holder (see fig 9) which includes a front panel, a rear panel, a pair of side panels and a bottom panel that together define an interior cavity (see fig 9), but fails to disclose at least one of said panels being shaped to include an opening in communication with the interior cavity. Cama teaches the use of a bottom panel of a storage device 8 having opening 42 (see fig 2, column 4 lines 45-55) in order to receive and frictionally engage different electrical plugs to be stored within the holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom panel of storage device of the assembly of Esteves with an opening as taught by Cama in order to receive and frictionally engage different electrical plugs to be stored within the storage device.

Regarding claim 20, The combination of:

- (a) a faceplate 30 (see fig 9, column 3 lines 20-30), said faceplate being sized and shaped to at least partially cover an electrical receptacle having one or more outlets (see fig 10, column 5 lines 20-30); and
- (b) a storage device 10, 190 coupled to said faceplate (see fig 9, column 3 lines 20-47 and column 5 lines 10-15), said storage device being sized and shaped adapted to retain a portable electric appliance (see fig 9 and element number 190 to retain a portable electric appliance) , said storage device comprising a front panel, a rear panel,

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a pair of side panels and a bottom panel which together partially define an interior cavity (see fig 9), but fails to disclose the bottom panel of said storage device being shaped to include an opening in communication with the interior cavity. Cama teaches the use of a bottom panel of a storage device 8 having opening 42 (see fig 2, column 4 lines 45-55) in order to receive and frictionally engage different electrical plugs to be stored within the holder. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom panel of storage device of the assembly of Esteves with an opening as taught by Cama in order to receive and frictionally engage different electrical plugs to be stored within the storage device.

Allowable Subject Matter

4. Claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph and the specification objection, set forth in this Office action.

5. Claim 22 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 21-22 are the inclusion therein, in combination as currently claimed, of the limitation of wherein the second fastening device is sized and shaped to fittingly protrude into the slot and releasably engage the first fastening device (for claim 21) and said storage device

including a second fastening device which is sized and shaped to releasably engage the first fastening device (for claim 22).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 20 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel

Primary Examiner

Group Art Unit 2831

Dhiru R Patel
DHIRU R. PATEL
PRIMARY EXAMINER
2/28/05